THE VOICE OF EUROPEAN HUNTERS

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SUBJECT: FACE's position on the draft regulation of the Minister of Climate and Environment amending the regulation on establishing the list of game species (Number 1235 from the List of Legislative Drafts - https://legislacja.rcl.gov.pl/projekt/12393652)

Adressed to: Mr. Mikołaj Dorożała, Chief Nature Conservator, Undersecretary of State, Ministry of Climate and Environment (info@klimat.gov.pl; departament.prawny@klimat.gov.pl)

Cc.:

1. Mr. Czesław Siekierski, Minister of Agriculture and Rural Development sekretariat.ministra@minrol.gov.pl
2. Mrs. Joanna Knapińska, President of the Government Legislation Centre kancelaria@rcl.gov.pl
3. Mrs. Urszula Pasławska, Chairwoman of the Committee on the Environment, Natural Resources and Forestry urszula.paslawska@sejm.pl
4. Mr. Marcin Możdżonek, President of the Supreme Hunting Council, Polish Hunting Association m.mozdzonek@pzlow.pl
5. Mr. Eugeniusz Grzeszczak, Chairman of the Main Board of the Polish Hunting Association pzlow@pzlow.pl
6. Mr. Jarosław Kuczaj, Permanent representative of the Polish Hunting Association to FACE jaroslaw.kuczaj@torun.lasy.gov.pl

Dear Mr. Dorożała,
Dear distinguished representatives,

In reference to the recent proposal to remove seven species from the huntable species list in Poland, FACE would like to present the following information for your consideration.

The Justification of the Ministry of Climate and Environment for the draft regulation amending the regulation on establishing the list of game species contains significant simplification and errors in the approach of assessing hunting.

We understand and share the concerns regarding the conservation of these species in Poland, however, for migratory species, it is crucial to consider the status of these species at the flyway level and the current policy process under the EU Birds Directive which offers guidance on regulating the hunting of these birds.

Please, find below some general comments and information specific to the 7 bird species concerned.

1. General comments

- **Birds Directive:**

The Birds Directive recognizes hunting as a legitimate activity. This is laid out in both Article 2 and 7. While Article 2 specifies that Member States a required to maintain bird populations taking into account ecological, scientific and cultural requirements, as well as economic and recreational requirements, Article 7 states that the species listed in Annex II may be hunted under national legislation, and lays out requirements to ensure hunting is compatible the population of these species.

There is therefore no need to justify hunting activities with the need to regulate species, as stated in the Ministry's justification ("*There is no need to implement population control in relation to the indicated bird species. None of these species show an overdensity of the population, which would require a reduction in its numbers*.").

- **How to assess harvest through hunting on migratory bird populations?**

To assist Member States in ensuring compliance with the Birds Directive' Article 7 (i.e., hunting), the European Commission launched in 2021 the EU Task Force on the Recovery of Birds. Within this framework, the European Commission performed an assessment of hunting sustainability for the huntable bird species which are not in a secure EU status. For migratory species, these include the Pochard, Teal, Tufted Duck and Coot. The Mallard has a secure EU status[1].

The first basic principle of this work is that migratory birds require flyway level assessments of hunting sustainability, not at national levels as in the Ministry's justification. This is well recognized in the scientific world.

Second, as hunting occurs in winter, when a large influx of migratory birds occurs in the EU, harvest in Member States should be assessed on population trends and estimates related to wintering populations, and not to breeding populations in the EU or at national level, as in the Ministry's justification.

Following this methodology, the European Commission assessed the overall harvest in the EU for migratory species which are not in a secure status, at flyway population level (i.e., biogeographic populations).

The Pochard was flagged as potentially overharvested. However, for the Teal, Tufted Duck and Coot, the assessment shows that hunting is very unlikely to be unsustainable. See more details about the outcome of these assessments in the species accounts below.

[1] EU Member States reporting under the Birds Directive Article 12: https://nature-art12.eionet.europa.eu/article12/summary?period=3&subject=Anas+platyrhynchos&reported_name=

- **Need for urgent action**

the Ministry's justification states that there is a "*need for urgent protection of game bird species which, according to scientific data, show a downward trend on a global, European or national scale, and the additional mortality of these species caused by hunting may have a negative impact on reversing the existing trend*."

However, as shown by the increasing population trends of some of these species, and the European Commission's assessment of hunting sustainability, none of these species, except perhaps the Pochard, are in danger of extinction and need urgent action.

- **Birds shot and not retrieved**

The Ministry's justification states that the share of birds lost to hunting but not retrieved (i.e., crippling loss) "*can be as much as 20–30% of the entire population*". This is a significant error, as crippling loss is commonly agreed to be around 20% of the number of birds harvested, for waterbirds, and not of the entire population (e.g., U.S. Fish and Wildlife Services, 2023[2], Ellis et al., 2022[3], European Commission's methodology[4]).

- **Shooting of lookalike species**

The Ministry's justification refers to "*numerous accidental shootings of this currently highly endangered species*" of the Garganey (*Spatula querquedula*) while hunting the Common Teal (*Anas crecca*). However, the Garganey is not present in winter in the EU as it overwinters in Africa[5], it is therefore not present during the hunting season and cannot be accidentally shot, or it is extremely unlikely. In addition, it is not in an "*highly endangered species*"[6], as stated in the text.

The Ministry's justification also refers to "*systematically repeated cases of unintentional but deliberate killing of protected birds during hunting of game birds*", but it would be critically needed to provide data to support this claim, as our understanding is that while accidental shooting can occur, it only occurs in very rare cases and with no impact on bird populations.

Please, find more specific information per species below.

[2] U.S. Fish and Wildlife Service. 2023. Adaptive Harvest Management: 2024 Hunting Season. U.S. Department of Interior, Washington, D.C. 76 pp. Available online at https://fws.gov/project/adaptive-harvest-management

[3] Ellis, M. B., Miller, C. A., & Pallazza, S. G. (2022). The effect of individual harvest on crippling losses. Wildlife Society Bulletin, 46(4), e1352.

[4] Document TFRB 24-06-03 - Assessment of (un)sustainability of harvest. Document prepared in the frame of the service contract with the European Commission "Supporting the recovery of bird species of Annex II of the Birds Directive in non-secure conservation status" (09.0201/2022/886665/SER/D.3) in preparation for the June 2024 meeting of the Task Force on the Recovery of Birds (28/06/2024).

[5] https://datazone.birdlife.org/species/factsheet/garganey-spatula-querquedula/distribution

[6] BirdLife International. 2021. *Spatula querquedula (Europe assessment)*. *The IUCN Red List of Threatened Species* 2021: e.T22680313A166201991. https://dx.doi.org/10.2305/IUCN.UK.2021-3.RLTS.T22680313A166201991.en. Accessed on 27 January 2025.

2. Species accounts

1) Common Pochard (*Aythya ferina*)

For the Common Pochard, it is important to highlight that two flyways cover the EU and Poland, one of which is increasing[7].

In addition, it should be noted that the Pochard has an increasing wintering short-term trend in Poland and a stable breeding short-term trend (but decreasing in the long-term), as reported by Poland under the Birds Directive[8].

As outlined above, hunting requires an assessment relating to the wintering population and at flyway level. This is well illustrated by the Ministry's justification document, which states that up to 100% of the wintering population in Poland can be harvested during hunting, which of course is impossible.

Despite signs of increase, care is needed with the Pochard, as preconized by the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA).

The European Commission is currently developing an Adaptive Harvest Management plan for Member States, to ensure sustainable hunting of this species. This plan will be presented in the framework of the EU Task Force on the Recovery of Birds in late 2025.

It would be worth engaging in this programme from the European Commission, instead of putting in place a ban on hunting.

2) Tufted Duck (*Aythya fuligula*)

Two flyway populations cover the EU, one is stable, the other perhaps decreasing[9]. In the EU, its wintering population trend is stable in the long-term, hence a secure wintering EU status. This is confirmed by an increasing wintering trend in Poland, as reported under the Birds Directive[10].

The Ministry's justification states that the data provided indicates that "*hunting has a very significant impact on the tufted duck population*".

However, the European Commission assessed the EU harvest of Tufted Duck and the results show that hunting is not an issue and is most likely sustainable for both flyway populations[11].

[7] https://wpe.wetlands.org/explore/472/2312?conservation=1
[8] https://nature-art12.eionet.europa.eu/article12/report?period=3&country=PL
[9] https://wpe.wetlands.org/explore/480/2328?conservation=4
[10] https://nature-art12.eionet.europa.eu/article12/report?period=3&country=PL
[11] Document TFRB 24-06-03 - Assessment of (un)sustainability of harvest. Document prepared in the frame of the service contract with the European Commission "Supporting the recovery of bird species of Annex II of the Birds Directive in non-secure conservation status" (09.0201/2022/886665/SER/D.3) in preparation for the June 2024 meeting of the Task Force on the Recovery of Birds (28/06/2024).

Therefore, Member States may continue hunting at the current levels, in compliance with the Birds Directive.

There is therefore no justification to ban hunting of this species in Poland.

3) Eurasian Teal (*Anas crecca*)

The Common Teal has two flyway populations covering the EU, both of them are very large and have been steadily increasing over the long-term[12].

In the EU, the wintering population is also increasing[13][14], it therefore has a secure EU wintering status.

A significant error is present in the Ministry's justification document, as it states that "*the European population in winter has been estimated at around 500,000 birds*". In fact, the EU wintering population has been estimated at 1,420,000 - 1,750,000 individuals[15], while the European population is estimated at 1,570,000 - 2,460,000 individuals (1,040,000 - 1,640,000 mature individuals)[16].

In addition, it is stated that "the majority of teals killed in Poland probably come from breeding populations located to the north and east of our country". This is also an error, as most migrating Teals in winter come from outside the EU, and the Russian breeding population, as shown by ringing data[17] and other studies for other countries, for example stable isotopes show that most Teals that overwinter in France come from Russia[18]. In fact, most of the European breeding population of Teals breeds in Russia, about 30% breed in in the EU28[19].

While the European Commission's assessment flagged the species, this is due to an underestimate of the population size in winter, compared to the harvest. This is a common issue[20], particularly for the Teal, a very abundant and widespread species. For example, a study in the United Kingdom revealed that the population estimate for the Teal could be significantly underestimated by

[12] https://wpe.wetlands.org/explore/10038/768?conservation=4
[13] https://iwc.wetlands.org/static/eumsi/graphs/ANACR.jpeg
[14] https://nature-art12.eionet.europa.eu/article12/summary?period=3&subject=Anas+crecca&reported_name=
[15] https://nature-art12.eionet.europa.eu/article12/summary?period=3&subject=Anas+crecca&reported_name=
[16] BirdLife International. 2021. *Anas crecca (Europe assessment)*. *The IUCN Red List of Threatened Species* 2021: e.T22680321A200197945. https://dx.doi.org/10.2305/IUCN.UK.2021-3.RLTS.T22680321A200197945.en. Accessed on 28 January 2025.
[17] https://migrationatlas.org/node/1847#stats
[18] Guillemain, M., Van Wilgenburg, S. L., Legagneux, P., Hobson, K. A. 2014 Assessing geographic origins of Teal (Anas crecca) through stable-hydrogen (δ 2H) isotope analyses of feathers and ring-recoveries. Journal of Ornithology
[19] Powolny, T., & Czajkowski, A. (2022). Conservation and management of game birds in Europe. *Species of Annex II/A of the Birds Directive*.
[20] Nagy, S., Langendoen, T., Frost, T. M., Jensen, G. H., Markones, N., Mooij, J. H., ... & Suet, M. (2022). Towards improved population size estimates for wintering waterbirds. Ornithologische Beobachter, 119(4).

common monitoring schemes at key waterbird sites, which resulted in new estimates for the Teal national population exceeding the published estimates by more than 50%[21].

This leads to an overestimation of the harvest rate, as for example, in France, harvest estimates have been historically consistently much higher than wintering population estimates (up to 4 times higher), while the population is increasing.

The increasing populations show that hunting is sustainable. Therefore, current levels of harvest and hunting in Poland comply with the Birds Directive.

There is therefore no justification to ban hunting of this species in Poland.

4) Coot (*Fulica atra*)

The Coot has two large flyway population covering the EU and Poland (totallin 2.9 to 4.7 million individuals), one is decreasing and the other is decreasing or stable[22], the latter is more present in Poland.

In the EU, its breeding population trend is stable in the short term, and its wintering population trend is stable in the long-term, hence a secure EU wintering status. Its EU breeding and global EU status is depleted, which means that its EU population declined since 1980 but is no longer declining since 2007[23].

In addition, in Poland, the Coot has increasing breeding and wintering population short-term trends, as reported under the Birds Directive[24].

The European Commission's assessment of hunting sustainability shows that current levels of harvest in the EU are most likely sustainable[25], so that Member States can continue hunting in compliance with the Birds Directive.

There is therefore no justification to ban hunting of this species in Poland.

[21] Méndez, V., Austin, G. E., Musgrove, A. J., Ross-Smith, V. H., Hearn, R. D., Stroud, D. A., ... & Holt, C. A. (2015). Use of environmental stratification to derive non-breeding population estimates of dispersed waterbirds in Great Britain. Journal for Nature Conservation, 28, 56-66.

[22] https://wpe.wetlands.org/explore/2933/401

[23] https://www.eionet.europa.eu/etcs/etc-bd/products/etc-bd-reports/etc-bd-technical-paper-2-2020-state-of-nature-in-the-eu-methodological-paper-methodologies-under-the-nature-directives-reporting-2013-2018-and-analysis-for-the-state-of-nature-2000

[24] https://nature-art12.eionet.europa.eu/article12/report?period=3&country=PL

[25] Document N°: TFRB 24-11-03 - Assessment of (un)sustainability of harvest – Part 2. This document is part two of the assessment presented at the 6th meeting of the Task Force on the Recovery of Birds (June 2024) and covers the second batch of 15 species. It was prepared in the frame of the service contract with the European Commission "Supporting the recovery of bird species of Annex II of the Birds Directive in non-secure conservation status" (09.0201/2022/886665/SER/D.3) in preparation for the November 2024 meeting of the Task Force on the Recovery of Birds (08/11/2024).

5) Hazel Grouse (*Tetrastes bonasia*)

Unlike migratory species, the Hazel Grouse requires local management.

According to the IUCN, the main driver of population declines are ecosystem conversion and degradation resulting from forestry and agriculture practices (i.e., the loss of suitable habitats) leading to significant declines. The Hazel Grouse has very specific habitat structure requirements (Madge and McGowan 2002) and so is very sensitive to habitat changes, particularly modern forestry trends (Schäublin and Bollmann 2011, de Juana and Kirwan 2013).

However, the IUCN specifies that the Hazel Grouse is unlikely to be significantly affected by hunting as it has secretive habits, and states that hunting is only responsible for negligible declines.

The Ministry's document does not provide any justification to ban hunting of the Hazel Grouse. Instead of banning hunting of the Hazel Grouse, which will not help the species, Poland should work toward habitat restoration for the species, in coordination with key stakeholders such as hunters to achieve this.

6) Woodcock (*Scolopax rusticola*)

The Woodcock is not an endangered species, it is considered as least concern by the IUCN at EU, European[26] and global scales[27]. The IUCN describes the population as extremely large, with stable trend[28]. Wetlands International estimates the population covering the EU at 15 to 20 million individuals, which is extremely large[29]. At EU level, the Woodcock has a secure status with stable breeding population trends[30]. With very high numbers of individuals in Europe, probably higher than 10 million, and a stable trend across its range, it is concluded that available demographic trend indicators show overall population stability[31]. In France, an increase in numbers is detected since the mid-1990s, followed by stability since the early 2010s[32].

The Ministry's document does not provide any justification to ban hunting of the Woodcock.

There is therefore no justification to ban hunting of this species in Poland.

[26] BirdLife International. 2021. Scolopax rusticola (Europe assessment). The IUCN Red List of Threatened Species 2021: e.T22693052A166241741.
[27] BirdLife International. 2019. Scolopax rusticola (amended version of 2016 assessment). The IUCN Red List of Threatened Species 2019: e.T22693052A155471018. https://dx.doi.org/10.2305/IUCN.UK.2016-3.RLTS.T22693052A155471018.en. Accessed on 26 January 2024.
[28] BirdLife International. 2019. Scolopax rusticola (amended version of 2016 assessment). The IUCN Red List of Threatened Species 2019: e.T22693052A155471018. https://dx.doi.org/10.2305/IUCN.UK.2016-3.RLTS.T22693052A155471018.en. Accessed on 26 January 2024.
[29] https://wpe.wetlands.org/explore/2967/431
[30] https://nature-art12.eionet.europa.eu/article12/summary?period=3&subject=Scolopax+rusticola&reported_name=
[31] Ferrand, Y., (2022). Eurasian Woodcock, Scolopax rusticola. In Powolny, T. & Czajkowski, A. (eds). (2022). Conservation and Management of Game Birds in Europe. Species of Annex II/A of the Birds Directive. OMPO Publication. Paris, France. p. 464.
[32] Ferrand, Y., (2022). Eurasian Woodcock, Scolopax rusticola. In Powolny, T. & Czajkowski, A. (eds). (2022). Conservation and Management of Game Birds in Europe. Species of Annex II/A of the Birds Directive. OMPO Publication. Paris, France. p. 464.

7) Mallard (*Anas platyrhynchos*)

The Mallard is the most abundant and widespread duck species in Western Eurasia[33].

The IUCN classifies the Mallard as least concern at global[34], European, and EU levels[35], with an increasing population trend at global level and stable breeding trend Europe and in the EU.
At flyway level, 3 very large biogeographic populations cover the EU (totaling 7 to 10 million individuals in winter[36], after hunting). Over the long term, one of these 3 populations is increasing, one is stable, and one is decreasing[37]. However, two are considered in decline in the short-term.
Caution is needed in assessing these trends[38]. Based on IWC data, van Roomen et al. (2018) estimated that the Mallard wintering population of North-West Europe was stable between 1976 and 2016 and between 2008 and 2016, while Nagy & Langendoen (2020) reported a small, but statistically significant, decrease. For the Northern Europe/West Mediterranean, Nagy & Langendoen (2020) reported an increase between 1990 and 2018 but a decrease between 2004 and 2018.

Good trends in the EU are confirmed as reporting from Member States under the Birds Directive shows the Mallard has a secure status with stable breeding trends[39] and the PanEuropean Common Bird Monitoring Scheme (PECBMS) reports an increasing EU breeding population trend.

In the Nordic countries, both the breeding and wintering numbers are increasing, with no sign of decline in reproductive success[40].

In addition, an international monitoring program in Denmark, Finland and Sweden shows the stability and even increase in the numbers of Mallards, and long-term monitoring in France, Latvia and Finland reveals an increase in the production of young during the period 1989 to 2010[41].

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[33] Väänänen V-M (2022). Mallard *Anas platyrhynchos.* Pp. 199-210 in Powolny & Czajkowski (eds). Conservation and management of game species in Europe. Species of Annex II/A of the Birds Directive. OMPO Publications. Paris, France. p. 464.

[34] BirdLife International. 2019. *Anas platyrhynchos* (amended version of 2017 assessment). *The IUCN Red List of Threatened Species* 2019: e.T22680186A155457360. https://dx.doi.org/10.2305/IUCN.UK.2019-3.RLTS.T22680186A155457360.en. Accessed on 28 January 2025.

[35] BirdLife International. 2021. *Anas platyrhynchos (Europe assessment)*. *The IUCN Red List of Threatened Species* 2021: e.T22680186A166199836. https://dx.doi.org/10.2305/IUCN.UK.2021-3.RLTS.T22680186A166199836.en. Accessed on 28 January 2025.

[36] https://wpe.wetlands.org/explore/435/2201?conservation=4

[37] https://iwc.wetlands.org/index.php/aewatrends8

[38] Väänänen V-M (2022). Mallard Anas platyrhynchos. Pp. 199-210 in Powolny & Czajkowski (eds). Conservation and management of game species in Europe. Species of Annex II/A of the Birds Directive. OMPO Publications. Paris, France. p. 464.

[39] https://nature-art12.eionet.europa.eu/article12/summary?period=3&subject=Anas+platyrhynchos&reported_name=

[40] Keller, V., Herrando, S., Voříšek, P., Franch, M., Kipson, M., Milanesi, P., Martí, D., Anton, M., Klvaňová, A., Kalyakin, M.V., Bauer, H.-G. & Foppen, R.P.B. (2020). European Breeding Bird Atlas 2: Distribution, Abundance and Change. European Bird Census Council & Lynx Edicions, Barcelona.

[41] Väänänen V-M (2022). Mallard Anas platyrhynchos. Pp. 199-210 in Powolny & Czajkowski (eds). Conservation and management of game species in Europe. Species of Annex II/A of the Birds Directive. OMPO Publications. Paris, France. p. 464.

In Poland, the Mallard has an increasing short-term breeding trend (stable in the long-term) and a stable wintering trend, as reported under the Birds Directive[42].

The Ministry's document does not provide any justification to ban hunting of the Mallard.

There is therefore no justification to ban hunting of this species in Poland.

In conclusion, it is FACE's view that the scientific data available show that banning hunting of these 7 species in Poland is not justified.

We hope this information will help you take informed decisions about hunting.

Thank you for your attention to this matter. Should you require any further information or clarification, please do not hesitate to contact me.

Yours sincerely,

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[42] https://nature-art12.eionet.europa.eu/article12/report?period=3&country=PL